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Patriot Act must be revised to protect individual liberty

Sens. John Sununu and Russ Feingold
Commentary

IN JULY, something very unusual occurred in Washington: the U.S. Senate cast a unanimous vote on a controversial issue. Every member of the Senate agreed to make meaningful changes to the U.S.A. Patriot Act as we reauthorized parts of the act scheduled to expire at the end of the year. These revisions will ensure that our government can wage an effective fight against terrorism that respects our basic freedoms. But the battle for these reforms is not over. In the coming weeks, a House-Senate conference committee will meet to work out the differences between competing versions of the bill. Hard-won improvements to the Patriot Act could be in jeopardy.

We will make every effort — and, if we have to, use procedural options at our disposal — to oppose a final reauthorization bill that either strips out the meaningful changes made by the Senate bill, or adds measures that ignore the public demands for more protection of our rights and freedoms. Our goal is not to derail reauthorization; it is to ensure that necessary changes to the Patriot Act are made as part of the reauthorization bill. We can — and should — provide law enforcement with the tools necessary to fight terrorism, while protecting civil liberties at home.

The end-of-the-year deadline for reauthorization gives us a rare chance to fix parts of the Patriot Act — creating a check on searches for library, bookstore and other sensitive records, putting new safeguards on secret “sneak and peek” searches of Americans’ homes, and giving citizens real power to challenge secret court orders.

All of these issues and more are at stake in the House-Senate conference committee’s deliberations.

If the Senate bill prevails in conference, Congress will finally catch up with an American public that has been questioning the Patriot Act for years — librarians who are standing up to a Justice Department that wants the power to dig into Americans’ library records; town and city councils — even whole states — that have passed resolutions opposing parts of the Patriot Act; and business interests like the U.S. Chamber of Commerce, the National Association of Manufacturers and the National Association of Realtors that support changes to the law.

The Senate bill would make changes to some of the most controversial



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provisions of the Patriot Act. It would:

- Require the government to convince a judge that a person is connected to terrorism or espionage before secretly obtaining library, medical and other sensitive business records about that person, and allow recipients of court orders for such records to challenge them in court.
- Require the government in most circumstances to inform targets of "sneak and peek" searches within seven days instead of being able to delay that notification for an indefinite period as permitted by the Patriot Act, or for up to six months as permitted by the House bill.
- Eliminate "John Doe roving wiretaps," the secret intelligence orders that can now be issued without identifying either the person or phone to be tapped.
- Provide only a four-year extension for three of the most sensitive provisions of the Patriot Act.

The House bill to reauthorize the Patriot Act fails to include these important measures, leaving too many of our freedoms at risk. While some improvements were incorporated in the House bill, it is still a far cry from what Congress owes the American people.

There is a strong sense among many Americans that in the Patriot Act the government overreached when it sought power that is a potential threat to innocent law-abiding citizens. Congress should respond to these legitimate concerns by sending the unanimously adopted Senate version of the Patriot Act reauthorization bill to the President. We must reform the Patriot Act, not rubber-stamp the original law. With these reforms, we can fight terrorism without sacrificing our freedoms.

Sen. John Sununu is a New Hampshire Republican; Sen. Russ Feingold is a Wisconsin Democrat.

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